

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, SEPTEMBER 1, 2009
COUNCIL CHAMBERS and WEST CONFERENCE ROOM
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

6 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision(c) of Section 54956.9; one potential case

4. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.

CALL TO ORDER - Call to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

SPECIAL ORDER OF THE DAY – Certificate of Commendation to *Destination: Home*

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5.

CLOSED SESSION REPORT FOR September 1, 2009

Closed Session pursuant to Government Code Section 54956.9– *Conference with Legal Counsel- Anticipated Litigation*

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- 1.A. MOTION Approval of Council Meeting Minutes of August 11, 2009
1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager –
RTC 09-230 List No. 466, 467 and 468

Staff Recommendation: Review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.D. MOTION Approval of an Agreement with the Franchise Tax Board to Exchange
RTC 09-232 Data Related to Business Licensing

Staff Recommendation: Alternative No. 1: Approve an agreement with the Franchise Tax Board to exchange data related to business licensing.

Staff Contact: Therese Balbo, (408) 730-7604

- 1.E. MOTION Agreement Between the City of Sunnyvale and Silicon Valley
RTC 09-236 Leadership to Provide Leadership Sunnyvale Training Program.

Approve Attachment A, *Agreement between the City of Sunnyvale and SVL*, and Attachment B, *Outside Group Funding Agreement between the City of Sunnyvale and Silicon Valley Leadership for Fiscal Year 1009/10*, and authorize the city Manager to enter into said Agreements.

Staff Contact: Patricia Lord, (408) 730-7477

Contracts

- 1.F. MOTION Renewal of Contract for Juvenile Probation Services
RTC 09-221

Staff Recommendation: Alternative No. 1: Authorize the City Manager to sign the Agreement with the County of Santa Clara for Probation Services, to provide a Deputy Juvenile Probation Officer exclusively for Sunnyvale youth for fiscal 2009-2012.

Staff Contact: Kelly Fitzgerald, (408) 730-7220

- 1.G. MOTION Amend an Existing Contract with RMC Water & Environment to
RTC 09-223 Provide Additional Consultant Services for Emergency By-pass
Pumping Plan Study Project (F0907-09)

Staff Recommendation: 1. Amend an existing contract with RMC Water & Environment by increasing the not-to-exceed amount to \$99,900; and 2. Approve a contingency in the amount of \$4,000, for a total contingency of \$10,000.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.H. MOTION Award of a Contract for Miscellaneous Piping Supplies (F0805-82)
RTC 09-225

Staff Recommendation: 1. Award a one-year contract to Roberts and Brune Company of San Jose for piping supplies; and 2. Delegate authority to the City Manager to exercise an option to extend the contract for one additional one-year period.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.I. MOTION Award of a Contract for Chronic Toxicity Testing Services at the
RTC 09-224 Water Pollution Control Plant (F0805-70)

Staff Recommendation: 1. Award a contract, in an amount not to exceed \$290,000, to Pacific EcoRisk Environmental Consulting and Testing to provide chronic toxicity testing services for a three year period; 2. Delegate authority to the City Manager to exercise an option to extend the contract for two additional one-year periods.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.J. MOTION Authorization to Modify an Existing Contract for Technical Services
RTC 09-222 Relating to the City's NPDES Permit and WPCP Operations Support
(F0908-13)

Staff Recommendation: Modify an existing contract with EOA, Inc., by increasing the total not-to-exceed value of contract by \$170,000, making the total value of the six year contract \$2,349,000.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.K. MOTION Award of Bid No. F0812-39 for Oxidation Pond Vegetation Removal
RTC 09-226 at the Water Pollution Control Plant and Approval of Budget
Modification No. 4

Staff Recommendation:

1. Award a contract, in substantially the same form at the attached draft and in amount not to exceed \$102,165 to Aquatic Environmental, Inc. for Oxidation Pond Vegetation Removal at the WPCP;
2. Approve a project contingency in the amount of \$15,325; and
3. Approve Budget Modification No. 4.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.L. MOTION Authorization to Modify an Existing Contract for Traffic Signal Work
RTC 09-234 (F0908-11)

Staff Recommendation: Modify an existing contract with Team Econolite, in substantially the same form as the attached Draft Purchase Order, by increasing the total not to exceed value of the contract by \$40,000, to a total of \$140,000.

Staff Contact: Pete Gonda, (408) 730-7418

Contracts: Sunnyvale Works!

- 1.M. MOTION Award of Sunnyvale Works! Bid No. F0907-04 for Raynor and Ortega
RTC 09-233 Water Well Connections to Transmission Main and Approval of
Budget Modification No. 6

Staff Recommendation:

1. Award a contract, in substantially the same format as the attached draft and in the amount of \$765,300 to M Squared Construction, Inc. for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met.
2. Approve a project contingency in the amount of \$76,530; and
3. Approve Budget modification No. 6 to move funds from FY 2010/2011 to FY 2009/2010 for this project.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.N. MOTION Award of Sunnyvale Works! Bid No. F0907-01 for Hamilton Plant
RTC 09-231 Mechanical and Electrical Reconstruction and Approval of Budget
Modification No. 5

Staff Recommendation:

1. Award a contract, in substantially the same format as the attached draft and in the amount of \$688,300, to Anderson Pacific Engineering Construction, Inc. for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met.
2. Approve a project contingency in the amount of \$68,830
3. Approve Budget Modification No. 5 appropriating \$66,995 from the Water Fund Rate Stabilization Reserve for this project.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.O. MOTION Award of Sunnyvale Works! Bid No. F0907-03 Slurry Seal 2010
RTC 09-237

Staff Recommendation:

1. Award a contract, in substantially the same format as the attached draft and in the amount of \$125,285, to Graham Contractors, Inc. for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met.
2. Approve a project contingency in the amount of \$12,529.

Staff Contact: Pete Gonda, (408) 730-7418

Other Items

- 1.P. MOTION Revision of San Miguel Sports Field Master Plan to Accommodate
RTC 09-229 New Classrooms and Related Facilities

Staff Recommendation: Alternative No. 1: Approval of the Proposed Master Plan for San Miguel Elementary School sports field to include the new classrooms per Attachment A.
Staff Contact: Scott Russell, (408) 730-7582

- 1.Q. RESOLUTION Request for Authorization by Resolution for the City Manager to
RTC 09-220 Execute a Maintenance Agreement for the Borregas Avenue Bicycle / Pedestrian Bridges

Staff Recommendation: Alternative No. 1: Approve the attached resolution and authorize the city manager to execute the Maintenance Agreement for the Borregas Bicycle / Pedestrian Bridges project with the California Department of Transportation.
Staff Contact: Jack Witthaus (408) 730-7330

**STAFF RESPONSES
TO PRIOR PUBLIC
COMMENTS**

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments

PUBLIC COMMENTS

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION Overview of the City of Santa Clara Draft Environmental Impact
RTC 09-235 Report for the Proposed 49ers Stadium

Staff Recommendation: Review the summary of impacts from the DEIR and the information in this staff report and discuss any other environmental concerns that may be added to the final letter, which will then be transmitted to the City of Santa Clara.
Staff Contact: Andrew Miner, (408) 730-7707

3. ORDINANCE 2009-0403: Application for 25 parcels in Tract 2064 bounded by Bobolink Circle and Bobwhite Avenue in an R-0/S (Low Density Residential/Single Story) Zoning District. Introduction of an Ordinance to allow permanent status of a Single-Story Combining District.
RTC 09-227

Staff Recommendation: Approve the rezoning to apply the Single-Story combining district as proposed by the applicant.

Staff Contact: Ryan Kuchenig, (408) 730-7431

4. MOTION Board and Commission Appointments
RTC 09-228

Staff Recommendation: Confirm appointments from the candidates listed in the report, specifying the term for the appointments which have multiple seats and terms.

Staff Contact: Lisa Natusch, (408) 730-7595

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Study Session Summary of August 11, 2009 – Board and Commission Interviews
- Draft Minutes of August 12, 2009, Parks and Recreation Commission Meeting
- Approved Housing and Human Services Commission Minutes for Meeting of July 20, 2009

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the

meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
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Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chamber, the publication "*How to Make Your Council Chamber Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chamber prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
Sept. 1, 2009	Council Meeting	7 p.m.	Council Chamber
Sept. 29, 2009	Council Meeting	7 p.m.	Council Chamber
Oct. 6, 2009	Council Meeting	7 p.m.	Council Chamber
Oct. 20, 2009	Council Meeting	7 p.m.	Council Chamber
Oct. 27, 2009	Council Meeting	7 p.m.	Council Chamber
Nov. 17, 2009	Council Meeting	7 p.m.	Council Chamber
Nov. 24, 2009	Council Meeting	7 p.m.	Council Chamber
Dec. 1, 2009	Council Meeting	7 p.m.	Council Chamber
Dec. 8, 2009	Council Meeting	7 p.m.	Council Chamber
Dec. 15, 2009	Council Meeting	7 p.m.	Council Chamber

OTHER SCHEDULED MEETINGS

Sept. 2, 2009	Heritage Preservation Commission	7 p.m.	West Conference Rm
Sept. 9, 2009	Parks and Recreation Commission	7 p.m.	Council Chamber
Sept. 14, 2009	Board of Library Trustees	7 p.m.	Library Program Rm A
Sept. 14, 2009	Planning Commission Study Commission	7 p.m.	West Conference Rm
Sept. 14, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
Sept. 16, 2009	Administrative Hearing	2 p.m.	West Conference Rm
Sept. 16, 2009	Arts Commission CANCELED	7 p.m.	Council Chamber
Sept. 16, 2009	Arts Commission Public Art Tour	6:15 p.m.	City Hall Parking Lot
Sept. 17, 2009	Bicycle and Pedestrian Advisory Com.	6:30 p.m.	West Conference Rm
Sept. 21, 2009	Personnel Board	5 p.m.	Council Chamber
Sept. 23, 2009	Housing and Human Services	7 p.m.	West Conference Rm
Sept. 28, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
Sept. 28, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
Sept. 30, 2009	Administrative Hearing	2 p.m.	West Conference Rm
Oct. 14, 2009	Parks and Recreation Commission	7 p.m.	Council Chamber
Oct. 19, 2009	Personnel Board	5 p.m.	Council Chamber
Oct. 21, 2009	Arts Commission	7 p.m.	Council Chamber
Nov. 11, 2009	Parks and Recreation Commission	7 p.m.	Council Chamber
Nov. 18, 2009	Arts Commission	7 p.m.	Council Chamber
Dec. 9, 2009	Parks and Recreation Commission	7 p.m.	Council Chamber
Dec. 16, 2009	Arts Commission	7 p.m.	Council Chamber

CHANNEL 15 – KSUN

For a complete schedule of KSUN-15 broadcasts, visit KSUN.inSunnyvale.com

Sept. 1, 2009	City Council Meeting - Live	7 p.m.
Sept. 2, 2009	City Council Meeting - Replay of Sept. 1, 2009	7 p.m.
Sept. 6, 2009	City Council Meeting - Replay of Sept 1, 2009	4 p.m.
Sept. 29, 2009	City Council Meeting – Live	7 p.m.
Sept. 30, 2009	City Council Meeting – Replay of Sept. 29, 2009	7 p.m.
Oct. 4, 2009	City Council Meeting – Replay of Sept. 29, 2009	4 p.m.
Oct. 6, 2009	City Council Meeting – Live	7 p.m.
Oct. 7, 2009	City Council Meeting – Replay of Oct. 6, 2009	7 p.m.
Oct. 11, 2009	City Council Meeting – Replay of Oct. 6, 2009	4 p.m.

**ADDENDUM
to the
AGENDA**

**SUNNYVALE CITY COUNCIL
TUESDAY, SEPTEMBER 1, 2009 , 7 P.M.
COUNCIL CHAMBERS
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

PUBLIC HEARINGS/GENERAL BUSINESS

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5. MOTION League of Cities Peninsula Division Election of Officers.
RTC 09-238

Staff Recommendation: Take action to vote for one candidate in each officer position.

Staff Contact: Yvette Blackford, (408) 730-7536
